

PROTECTION OF CITIZENS VOICES ON REFORMS

Input

on

The Referendum Bill

17th February 2021

INTRODUCTION

In terms of NRA Act Section 5(1) (e) (vi) Citizen Mobilisation Organisations constitute part of the sectors making up National Reforms Authority (NRA). This sector aims at;

- mobilising people to continue having interest in the reforms process and
- exploring and supporting efforts geared towards protecting citizens' voices on reforms.

PROPOSAL ONE: INPUT ON THE REFERENDUM BILL

According to the Citizen Mobilisation Organisations, the Referendum Bill is one of the direct ways of protecting the views of Basotho on reforms. This could be done by adding a proviso under Chapter 2 clause 4(1) of the Referendum Bill which will state as follows;

”provided that the views of Basotho on reforms collected by the NDPC, passed on to the NRA and processed in terms of NRA Act shall be regarded as a positive response”.

This provisional addition will protect the views of Basotho and give them effect. Basotho expressed clearly that their views should not be changed, and NRA is mandated to safeguard reforms by ensuring that what Basotho said prevails. Check NRA Act Section 3(b). If these voices are treated as referendum results, no institution can by law change them.

PROPOSAL TWO: HARMONISE NDPC WORK WITH CONSTITUTION

When NDPC with the approval of National Leaders Forum requested Basotho to express their views on the seven thematic areas, the call was not limited to certain sections of the constitution. In response Basotho touched 13 of the 15 chapters of the constitution directly. By implication, NDPC subjected all sections of the constitution to the public scrutiny.

Proposal is that NRA considers initiating an independent law which gives credence to that process which shall capture this message:

1. “Through NDPC process all sections of the constitution are subjected to the public scrutiny... and
2. They shall stand as Basotho would have decided.”

This will go a long way in protecting citizens voices. NRA is strategically positioned to effect this. See NRA Ac Section 7 1(g).